

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTY-FIFTH DAY (CONTINUED) — FRIDAY, APRIL 25, 2003

The house met at 9 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 348).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

The invocation was offered by Pastor E. M. Darneal, senior pastor, Faith Assembly of God, Houston, as follows:

Thank you Lord for your provisions for our lives. In troubled times, we need special trust in you.

"As our days so shall our strength be." We ask today for your strength, wisdom, and direction for President Bush and all who are in authority in this great nation of ours.

In the Bible we read how you fought for the children of Israel, so we ask you to fight for us in this war against terrorism. "You are the same yesterday, today, and forever." May the peace of God which passeth all understanding, keep our minds and hearts, through Jesus Christ our Lord. Amen.

## **CAPITOL PHYSICIAN**

The speaker pro tempore recognized Representative Naishtat who presented Dr. Harold Lewis of Austin as the "Doctor for the Day."

The house welcomed Dr. Lewis and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Isett on motion of Flynn.

### **HR 902 - ADOPTED (by Geren)**

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 902**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 902**, Honoring Paul R. Ray, Sr., of Fort Worth on his 85th birthday.

**HR 902** was adopted without objection.

### **HR 834 - ADOPTED (by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 834**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 834**, Congratulating the members of the Sam Houston State University men's basketball team on winning the Southland Conference regular season and tournament championships during the 2002-2003 season.

**HR 834** was adopted without objection.

### **HR 835 - ADOPTED (by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 835**, Congratulating Sam Houston State University head basketball coach Bob Marlin on his notable achievements.

**HR 835** was adopted without objection.

(Edwards in the chair)

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following memorial resolutions were laid before the house:

**HCR 188** (by Truitt), In memory of Hardy Sanders of Colleyville.

**HCR 189** (by Truitt), In memory of Brandon Fails of Grapevine.

**HCR 190** (by Dunnam), In memory of B. R. Ralston "Boots" Douglas of Lacy-Lakeview.

**HR 489** (by Martinez Fischer), In memory of Henry C. Morales of San Antonio.

**HR 499** (by Martinez Fischer), In memory of U.S. Army Sergeant Rodrigo Gonzalez Garza of San Antonio.

**HR 532** (by Pitts), In memory of Charles G. Davis of Palmer.

**HR 549** (by Martinez Fischer), In memory of Henry R. Gonzales, Sr., of San Antonio.

**HR 550** (by Martinez Fischer), In memory of Rudolph A. Ritter, Sr., of San Antonio.

**HR 553** (by Martinez Fischer), In memory of Senior U.S. District Judge H. F. "Hippo" Garcia.

**HR 554** (by Martinez Fischer), In memory of Walter A. Rosenblith, institute professor emeritus and former provost of the Massachusetts Institute of Technology.

**HR 587** (by Allen), In memory of Patrolman Dennis E. Holmes of the Houston Police Department.

**HR 588** (by Allen), In memory of Deputy Loutricia Sowell Bonfanti of the Leon County Sheriff's Department.

**HR 589** (by Allen), In memory of Clinton Warren Hunter.

**HR 590** (by Allen), In memory of Michael Charles Pauling.

**HR 612** (by Bohac), In memory of Richard Davis Edson of Houston.

**HR 613** (by Bohac), In memory of Alvin Otto Aschenbeck of Houston.

**HR 630** (by Gallego), In memory of Donato B. Guajardo, Sr., of Del Rio.

**HR 631** (by Gallego), In memory of Sylvia Cristina Morales Urby of Del Rio.

**HR 634** (by Gallego), In memory of Allen Henry Jernigan of Del Rio.

**HR 637** (by Gallego), In memory of Refugio "Cuco" Garcia of Del Rio.

**HR 638** (by Gallego), In memory of Val Verde county commissioner Frank Coronado of Del Rio.

**HR 641** (by Gallego), In memory of Heriberto "Beto" San Miguel of Del Rio.

**HR 642** (by Gallego), In memory of James "Shorty" Turner of Del Rio.

**HR 662** (by Allen), In memory of Officer Paul Aaron Emerson of Port Arthur.

**HR 698** (by Hunter), In memory of Manly David Ballard of Abilene.

**HR 701** (by Martinez Fischer), In memory of Ruben Munguia, Sr., of San Antonio.

**HR 718** (by Hegar and Callegari), In memory of Edward Monroe Morton of Katy.

**HR 722** (by Harper-Brown), In memory of Staff Sergeant Phillip A. Jordan of Enfield, Connecticut.

**HR 737** (by J. Keffer), In memory of Jack Scott of Cross Plains.

**SCR 39** (Craddick - House Sponsor), In memory of J. Hugh Liedtke of Houston.

The resolutions were unanimously adopted by a rising vote.

The following congratulatory resolutions were laid before the house:

**HCR 123** (by Lewis), Congratulating Lori Freeman on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 124** (by Lewis), Congratulating Willanette Williams on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 129** (by Lewis), Congratulating Melzora Webster on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 130** (by Lewis), Congratulating Kristen Williams on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 131** (by Lewis), Congratulating Dorothy Westergren on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 132** (by Lewis), Congratulating Patty Rose on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 133** (by Lewis), Congratulating Mary Preston on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 134** (by Lewis), Congratulating LaWanda Booghrey on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 135** (by Lewis), Congratulating Ozella Campbell on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 136** (by Lewis), Congratulating Mary Ornellas on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 137** (by Lewis), Congratulating Latresa Kennard on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 138** (by Lewis), Congratulating Roshea Phillips on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 139** (by Lewis), Congratulating Erin Bushko on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 140** (by Lewis), Congratulating La Tres Cole on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 141** (by Lewis), Congratulating Ben Broadwater on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 142** (by Lewis), Congratulating Juana Williams on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 143** (by Lewis), Congratulating Karen Chaffin on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 144** (by Lewis), Congratulating Shannon Wilson on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 145** (by Lewis), Congratulating Jan Wilkins on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 146** (by Lewis), Congratulating Kathy Elliott on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 147** (by Lewis), Congratulating Jamie Cox on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

**HCR 191** (by Dunnam), Honoring the First Baptist Church of Mart on its 125th anniversary.

**HR 461** (by Craddick), Congratulating Percy and Lillie O'Quinn of Midland on their 60th wedding anniversary.

**HR 462** (by Craddick), Honoring Mack and Josephine Morris of Midland on their 50th wedding anniversary.

**HR 463** (by Craddick), Honoring Lester and Lanell Higgins of Midland on their 50th wedding anniversary.

**HR 464** (by Craddick), Congratulating Tommy and Verna Dawson of Midland on their 50th wedding anniversary.

**HR 465** (by Craddick), Honoring William and Linda Reed of Lake Brownwood on their 50th wedding anniversary.

**HR 466** (by Craddick), Honoring Stanley and June Reid of Stanton on their 65th wedding anniversary.

**HR 467** (by Craddick), Congratulating W. A. and Billie Charlyne Womack of Midland on their 50th wedding anniversary.

**HR 468** (by Craddick), Honoring R. E. and Gladys Womack of Midland on their 68th wedding anniversary.

**HR 469** (by Craddick), Honoring the Reverend Robert D. "Bob" and Marlene Mason of Midland on their 50th wedding anniversary.

**HR 470** (by Craddick), Honoring John and JoAnn Millwee of Midland on the occasion of their 50th wedding anniversary.

**HR 486** (by Gallego), Honoring Alfredo and Lucitelma Martinez of Del Rio for their inspiring dedication to their family and community.

**HR 497** (by Hamilton), Honoring Flo Edgerly of Bridge City for her distinguished career as justice of the peace for Precinct 3.

**HR 516** (by Pitts), Recognizing Bob Banner for his many achievements in the field of entertainment.

**HR 519** (by Hochberg), Honoring Ru-Shan Gao of Houston for his competitive achievements.

**HR 522** (by Merritt), Honoring Joe and Norma Stripling of Lindale on their 50th wedding anniversary.

**HR 524** (by Bohac), Honoring the theater students and teachers of Spring Woods High School in Houston for being selected to perform at the International Thespian Society's Festival 2003.

**HR 533** was previously adopted.

**HR 534** (by J. Jones), Commending the Honorable Roy Orr for his outstanding contributions to his community, state, and nation.

**HR 536** (by Craddick), Honoring the Midland Downtown Lions Club on its 75th anniversary.

**HR 538** (by Quintanilla), Honoring Martiniano "Martin" Cardenas and Gloria Hilda Cardenas of Socorro on their 60th wedding anniversary.

**HR 547** (by Christian), Honoring Jewel Winder of Nacogdoches on her 96th birthday.

**HR 558** (by Smithee), Congratulating the Canyon High School Lady Eagles basketball team on winning the 2003 UIL Conference 3A State Championship.

**HR 575** (by Farrar), Commemorating the 30th anniversary of the Houston Heights Tower groundbreaking.

**HR 579** (by Lewis), Honoring Dotty Woodson of Tarrant County for her service as coordinator of the Junior Master Gardener program.

**HR 594** (by Woolley), Honoring Laura Fisher of Houston on receiving a 2003 Prudential Spirit of Community Award.

**HR 598** (by Geren), Honoring Jenkins and Virginia Garrett for winning the 2003 Award for Excellence in Preserving History from the Texas Historical Commission.

**HR 861** was withdrawn.

The resolutions were adopted without objection.

(Speaker pro tempore in the chair)

## **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**HB 20** (by Corte), A bill to be entitled An Act relating to the issuance of Desert Shield and Desert Storm license plates.

**CSHB 135** (by F. Brown, Chavez, et al.), A bill to be entitled An Act relating to the requirements of an auctioneer's license.

**HB 253** (by Chisum), A bill to be entitled An Act relating to granting, renewing, or amending a license or registration under the Texas Radiation Control Act.

**HB 295** (by T. Smith), A bill to be entitled An Act relating to the security required to contest an application for certain alcoholic beverage licenses.

**CSHB 326** (by McCall, Paxton, and Madden), A bill to be entitled An Act relating to the creation of additional judicial districts composed of Collin County.

**HB 327** (by McCall, Paxton, and Madden), A bill to be entitled An Act relating to the creation of an additional county court at law in Collin County.

**CSHB 346** (by Dutton and Rodriguez), A bill to be entitled An Act relating to the period during which a person may be confined for contempt of court.

**CSHB 387** (by Hamric), A bill to be entitled An Act relating to public school campus improvement plans.

**HB 399** (by Mowery), A bill to be entitled An Act relating to the issuance of World War II veteran license plates.

**HB 418** (by Martinez Fischer), A bill to be entitled An Act relating to fines collected for child safety belt offenses.

**HB 447** (by Hochberg), A bill to be entitled An Act relating to state assessment of academic skills of public school students in special education programs.

### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Hochberg offered the following committee amendment to **HB 447**:

Amend **HB 447** by striking SECTION 4 and SECTION 5 of the bill and substituting the following:

SECTION 4. SECTIONS 1 and 2 apply beginning with the 2003-2004 school year. SECTION 3 applies beginning with the 2004-2005 school year.

SECTION 5. SECTION 3 takes effect September 1, 2004. SECTIONS 1 and 2 take effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, SECTIONS 1 and 2 take effect September 1, 2003.

Amendment No. 1 was adopted without objection.

**HB 472** (by Pickett and Seaman), A bill to be entitled An Act relating to requirements for certain licensing programs administered by the state fire marshal.

**HB 567** (by Berman), A bill to be entitled An Act relating to the expulsion of a public school student who assaults, murders, or attempts to murder another student.

**HB 655** (by Menendez and Corte), A bill to be entitled An Act relating to the sale of property by a defense base development authority.

**CSHB 736** (by Denny and Grusendorf), A bill to be entitled An Act relating to use of the internal mail system of a governmental agency to deliver political advertising; providing a criminal penalty.

**HB 738** (by Laubenberg), A bill to be entitled An Act relating to the creation of a county court at law in Rockwall County.

**CSHB 752** (by Woolley, et al.), A bill to be entitled An Act relating to the administration of public retirement systems for police officers in certain municipalities.

**HB 798** (by Farabee), A bill to be entitled An Act relating to the issuance of disabled veteran license plates.

**CSHB 834** (by Delisi), A bill to be entitled An Act relating to the appointment of a management team to manage and operate a community center for mental health or mental retardation services.

**HB 871** (by Casteel), A bill to be entitled An Act relating to the creation of an additional county court at law in Comal County.

**CSHB 874** (by Menendez, Castro, and Reyna), A bill to be entitled An Act relating to the driver's license or personal identification card number on a parking placard issued to an individual with a disability.

**CSHB 941** (by Chisum), A bill to be entitled An Act relating to the export of certain beer, malt liquor, and ale.

**HB 983** (by Talton), A bill to be entitled An Act relating to the authority of an ad valorem tax appraisal district to obtain certain criminal history record information relating to an applicant for employment.

**HB 1025** was withdrawn.

**HB 1032** (by Driver), A bill to be entitled An Act relating to expiration of a driving instruction permit.



**HB 1040** (by Noriega), A bill to be entitled An Act relating to emergency medication kits maintained for a veterans home.

**CSHB 1076** (by McCall and Raymond), A bill to be entitled An Act relating to the ownership of a motor vehicle dealership.

**HB 1152** (by Puente), A bill to be entitled An Act relating to the authority of certain nonprofit water supply corporations to establish and enforce customer water conservation measures.

**HB 1203** was withdrawn.

**HB 1287** (by Chisum), A bill to be entitled An Act relating to the location and operation of concrete crushing facilities.

**HB 1306** (by Marchant), A bill to be entitled An Act relating to the confidentiality of certain information relating to real property purchased or sold by certain state agencies.

**CSHB 1329** (by McReynolds), A bill to be entitled An Act relating to the liability insurance and security requirements for wood treaters and other persons engaged in the business of structural pest control.

**HB 1341** (by Goolsby), A bill to be entitled An Act relating to the definition of an energy emergency.

Representative Goolsby moved to postpone consideration of **HB 1341** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**HB 1396** was withdrawn.

**HB 1398** (by Swinford), A bill to be entitled An Act relating to procedures for arbitration of seed performance disputes.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hardcastle, Representative Swinford offered the following committee amendment to **HB 1398**:

Amend **HB 1398** by:

On page 2, line 19, strike "(a)"

On page 2, line 23-24, strike "(b) a court does not have the jurisdiction to hear a claim dismissed by the board under this section."

Amendment No. 1 was adopted without objection.

**HB 1440** (by Eissler), A bill to be entitled An Act relating to the frequency of public school teacher appraisals.

**CSHB 1441** (by Eissler), A bill to be entitled An Act relating to school districts that place an excessive number of students in certain special education instructional arrangements.

**HB 1446** (by B. Brown), A bill to be entitled An Act relating to the eligibility of certain children for certain health benefit coverage.

**HB 1459** (by Eiland), A bill to be entitled An Act relating to hotel taxes in coastal municipalities with a population of 5000 or less.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Eiland offered the following amendment to **HB 1459**:

Amend **HB 1459** as follows:

(1) Page 1, lines 5 through 10, Strike Section 1 completely and renumber the following sections.

(2) Page 1, line 11, strike "351.1005" and insert "351.1055"

(3) Page 2, line 24, insert "adjacent to a home rule city with a population of less than 80,000" between "5000" and "may"

Amendment No. 1 was adopted without objection.

**CSHB 1475** (by Hartnett), A bill to be entitled An Act relating to the enforcement of an agreement between spouses to convert separate property to community property.

**HB 1499** (by Dukes), A bill to be entitled An Act relating to the view of the state capitol.

**CSHB 1526** (by Geren), A bill to be entitled An Act relating to the registration requirements for certain retired architects.

**HB 1539** (by Naishtat), A bill to be entitled An Act relating to associate judges for statutory probate courts.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hartnett, Representative Naishtat offered the following committee amendment to **HB 1539**:

Amend **HB 1539** as follows:

(1) on page 1, line 10, strike "54.603" and substitute "54.602"; and

(2) on page 1, following line 11, insert the following:

"Sec. 54.602. APPLICATION. The subchapter does not apply to the statutory probate courts of

(a) Dallas County or

(b) Harris County, except Probate Court No. 1."

Amendment No. 1 was adopted without objection.

**CSHB 1590** (by Paxton), A bill to be entitled An Act relating to multiple-party accounts.

**HB 1627** was withdrawn.

**HB 1648** (by Morrison), A bill to be entitled An Act relating to standing for certain foster parents to file suit to adopt a child.

**HB 1654** (by Wohlgemuth), A bill to be entitled An Act relating to designation of a portion of State Highway 121 in Tarrant and Johnson counties as the Chisholm Trail Parkway.

**CSHB 1678** (by Chisum), A bill to be entitled An Act relating to the creation, management, and use of the radiation and perpetual care account in the general revenue fund.

**CSHB 1708** (by Taylor), A bill to be entitled An Act relating to the regulation of bottled and vended drinking water operators.

**HB 1709** (by Casteel), A bill to be entitled An Act relating to the settlement of the guardianship of the estate of a ward.

**HB 1729** (by Merritt), A bill to be entitled An Act relating to the municipal court of record for the City of Longview.

**HB 1764** (by W. Smith), A bill to be entitled An Act relating to the San Jacinto Battleground.

**CSHB 1776** (by Hughes, Dutton, T. Smith, et al.), A bill to be entitled An Act relating to Celebrate Freedom Week and to certain instruction in social studies classes in public schools.

**HB 1833** (by Goodman), A bill to be entitled An Act relating to certain fees that may be assessed and collected by a domestic relations office.

**HB 1863** (by Bohac), A bill to be entitled An Act relating to the disclosure of certain voter registration information.

**HB 1865** (by Bonnen), A bill to be entitled An Act relating to commercial group property insurance for certain businesses and associations.

#### **Amendment No. 1**

On behalf of Representatives R. Cook and Reyna, Representative Bonnen offered the following amendment to **HB 1865**:

Amend **HB 1865** as follows:

On page 1, line 2, between "property" and "insurance", insert "and casualty".

Amendment No. 1 was adopted without objection.

**HB 1885** (by Goolsby), A bill to be entitled An Act relating to certain filing fees in a suit affecting the parent-child relationship.

**CSHB 1897** (by Nixon and Talton), A bill to be entitled An Act relating to the supplemental salaries of certain judges in Harris County.

Representative Nixon moved to postpone consideration of **CSHB 1897** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**HB 1934** (by Capelo), A bill to be entitled An Act relating to security and payment for, and the use of the proceeds of, certain public securities.

**CSHB 1937** (by Gallego), A bill to be entitled An Act relating to star of Texas awards for peace officers, firefighters, and emergency medical first responders who are killed or sustain serious or fatal injuries in the line of duty.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Gallego offered the following amendment to **CSHB 1937**:

Amend **CSHB 1937** by changing Sec. 3105.005, Subsection (d) as follows:

(d) A member of an advisory committee may not receive compensation (~~but is entitled to reimbursement of the~~) for service on the committee or reimbursement for travel expenses incurred while conducting the business of the committee (~~as provided in the General Appropriations Act~~).

Amendment No. 1 was adopted without objection.

**CSHB 1940** (by Luna and E. Jones), A bill to be entitled An Act relating to longevity pay for assistant prosecutors.

**CSHB 1971** (by Uresti), A bill to be entitled An Act relating to convictions barring employment in certain facilities serving the elderly or persons with disabilities.

**CSHB 1972** (by Uresti), A bill to be entitled An Act relating to an administrative review process for child support payments.

**CSHB 1979** (by Puente), A bill to be entitled An Act relating to preventing the discharge of untreated wastewater into waters of the state.

**CSHB 2001** (by Dutton), A bill to be entitled An Act relating to notice to an employer of a court order requiring an employee to provide medical support for the employee's child; providing penalties.

**CSHB 2030** (by Miller), A bill to be entitled An Act relating to certain bonds issued by the Comanche County Consolidated Hospital District.

Representative Miller moved to postpone consideration of **CSHB 2030** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2031** (by Puente), A bill to be entitled An Act relating to the regulation of stormwater management by certain counties.

**CSHB 2036** (by Swinford), A bill to be entitled An Act relating to allowing certain political subdivisions to enter agreements with other political subdivisions for the collection of past due amounts for certain utility or waste disposal services.

**HB 2055** (by Christian), A bill to be entitled An Act relating to the allocation and approval processes of State Ceiling among issuers of qualified residential rental project bonds.

**CSHB 2072** (by Grusendorf), A bill to be entitled An Act relating to payment by teachers for missing textbooks in public schools.

**HB 2089** (by Geren), A bill to be entitled An Act relating to requiring the secretary of state to publicly post a list of candidate names on the Internet.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Denny, Representative Geren offered the following committee amendment to **HB 2089**:

Amend **HB 2089** as follows:

On page 1, line 8, between "name" and "of", insert ", address, and occupation".

On page 1, line 21, between "name" and "of", insert ", address, and occupation".

On page 1, line 24, between "Internet" and "after", strike "not later than the 12th day".

On page 1, line 24, between "Internet" and "after", add "as soon as practicable".

Amendment No. 1 was adopted without objection.

**HB 2094** (by Harper-Brown), A bill to be entitled An Act relating to the definition of providing assistance to a voter.

**HB 2099** (by Dutton, et al.), A bill to be entitled An Act relating to the determination of the conservatorship of, and the right of possession of or access to, a child by a person who has a history of family violence.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Goodman, Representative Dutton offered the following committee amendment to **HB 2099**:

Amend **HB 2099** as follows:

On page 1, line 12, after "under" insert "Chapter 85,".

Amendment No. 1 was adopted without objection.

**CSHB 2126** (by Castro), A bill to be entitled An Act relating to the manner of payment of child support to a local registry.

**CSHB 2132** (by Zedler, et al.), A bill to be entitled An Act relating to the subpoena authority of the Texas State Board of Examiners of Psychologists.

**CSHB 2133** (by Campbell), A bill to be entitled An Act relating to agriculture and the powers and duties of the Department of Agriculture.

**HB 2137** (by Thompson), A bill to be entitled An Act relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.

**CSHB 2138** (by Hopson), A bill to be entitled An Act relating to the use of certain electronic devices for the purpose of committing identity theft; providing criminal penalties.

**HB 2140** (by Dukes, Solomons, et al.), A bill to be entitled An Act relating to the definitions in certain manufactured home communities.

Representative Dukes moved to postpone consideration of **HB 2140** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**HB 2149** (by Denny), A bill to be entitled An Act relating to notice of an investigation of criminal conduct in connection with an election.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Denny offered the following amendment to **HB 2149**:

Amend **HB 2149** on page 1, line 13, by adding the following after the period:

The secretary of state may disclose information relating to a criminal investigation received under this subsection only if the county or district attorney has disclosed the information or would be required by law to disclose the information.

Amendment No. 1 was adopted without objection.

**HB 2154** (by Denny), A bill to be entitled An Act relating to appealing certain decisions of an election judge at a polling place.

**HB 2155** (by Denny), A bill to be entitled An Act relating to the use of mobile telephones in a polling place.

**HB 2156** (by Goolsby), A bill to be entitled An Act relating to the size of containers for certain alcoholic beverages.

**HB 2157** (by Hartnett), A bill to be entitled An Act relating to the use of the judicial and court personnel training fund.

**Amendment No. 1**

On behalf of Representative Keel, Representative Hartnett offered the following amendment to **HB 2157**:

Amend **HB 2157**, Committee Printing, as follows:

(1) On page 1, line 5, strike "Section 56.003 (b), Government Code, is" and substitute "Sections 56.003 (b) and (f), Government Code, are".

(2) On page 1, between lines 15 and 16, insert the following:

(f) The court of criminal appeals shall grant legal funds to statewide professional associations of prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace, and other entities. The association's or entity's [whose] purposes must include providing continuing legal education, technical assistance, and other support programs.

Amendment No. 1 was adopted without objection.

**HB 2158** (by Hartnett), A bill to be entitled An Act relating to the regulation of political contributions to judicial candidates and officeholders.

**CSHB 2162** (by McReynolds), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

## COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Defense Affairs and State-Federal Relations, upon first adjournment today, Desk 76, for a formal meeting, to consider pending bills.

Local and Consent Calendars, upon first adjournment today, Desk 68, for a formal meeting.

Elections, upon first adjournment today, Desk 58, for a formal meeting, to consider pending business.

## LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**CSHB 2179** (by Truitt), A bill to be entitled An Act relating to the removal of certain on-premise signs in a municipality.

**HB 2185** (by Geren and Zedler), A bill to be entitled An Act relating to the issuance of a certificate of death by catastrophe.

### Amendment No. 1

On behalf of Representative Reyna, Representative Geren offered the following amendment to **HB 2185**:

Amend **HB 2185** as follows:

(1) On page 1, line 14, between "airplane" and the semicolon, insert "involving more than one person".

(2) On page 1, line 16, strike "a" and substitute "more than one".

Amendment No. 1 was adopted without objection.

**CSHB 2188** (by Rodriguez and Peña), A bill to be entitled An Act relating to alternate methods of responding to a jury summons.

**CSHB 2189** (by Rodriguez), A bill to be entitled An Act relating to temporary guardianship procedures.

**HB 2227** (by Hughes), A bill to be entitled An Act relating to the frequency of meetings of the board for the Upper Sabine Valley Solid Waste Management District.

**HB 2234** (by McReynolds), A bill to be entitled An Act relating to the appointment of a bailiff for the 411th District Court.

**CSHB 2238** (by Paxton), A bill to be entitled An Act relating to multiple-party accounts.

**CSHB 2248** (by Denny), A bill to be entitled An Act relating to certain fraudulent criminal conduct affecting a financial institution.

**HB 2259** (by Smithee), A bill to be entitled An Act relating to the policy terms for medical malpractice liability insurance written by the Texas Medical Liability Insurance Underwriting Association.

**HB 2295** (by Thompson), A bill to be entitled An Act relating to the level of municipal participation in contracts with developers for public improvements.

**HB 2301** was withdrawn.

**CSHB 2320** (by Flores), A bill to be entitled An Act relating to administration by the Texas Department of Agriculture of quarantined articles.

**CSHB 2322** (by McReynolds), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

**HB 2341** was withdrawn.

**HB 2343** was withdrawn.

**HB 2349** (by Dawson), A bill to be entitled An Act relating to regulation of frozen dessert products and manufacturing.

**HB 2350** (by Dawson), A bill to be entitled An Act relating to the amount charged by the Texas Department of Health for a youth camp license.

**CSHB 2351** (by Kuempel), A bill to be entitled An Act relating to certain fees collected by the Parks and Wildlife Department.

**HB 2359** (by Ritter), A bill to be entitled An Act relating to the programs and systems administered by the Employees Retirement System of Texas.

**CSHB 2376** (by Elkins), A bill to be entitled An Act relating to the correction or removal from the statutes of obsolete references regarding the surety bonds of state officers and employees.

**CSHB 2383** (by Hegar), A bill to be entitled An Act relating to the eligibility for exemption from ad valorem taxation of public property used for certain religious purposes.

**CSHB 2384** (by Hegar), A bill to be entitled An Act relating to the unauthorized use of toll roads in certain counties.

**HB 2396** (by Corte), A bill to be entitled An Act relating to the administration of and insurance requirements for certain Veterans' Land Board programs.

**HB 2401** (by Stick, Rodriguez, and Baxter), A bill to be entitled An Act relating to the criminal law magistrates in Travis County.

**HB 2402** (by Stick, Rodriguez, and Baxter), A bill to be entitled An Act relating to the compensation of district judges in Travis County.

**HB 2409** (by Solomons), A bill to be entitled An Act relating to the disclosure of certain information held by a business offering check verification or check guarantee services.

**HB 2415** (by Hopson), A bill to be entitled An Act relating to the postjudgment interest rate.

**CSHB 2451** (by Dukes), A bill to be entitled An Act relating to the authority of the Interagency Council on Early Childhood Intervention to establish a fee schedule for services provided through the council.



## COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, upon first adjournment today, Desk 17, for a formal meeting, to consider pending business.

Higher Education, upon first adjournment today, Desk 86, for a formal meeting, to consider pending business.

## LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**HB 2466** (by Hartnett), A bill to be entitled An Act relating to the costs of reviewing a development project that must be approved by a municipality.

### Amendment No. 1

On behalf of Representative Reyna, Representative Hartnett offered the following amendment to **HB 2466**:

Amend **HB 2466** on page 1, line 9, between "a municipality" and the comma, by inserting "with a population of 25,000 or more".

Amendment No. 1 was adopted without objection.

**HB 2470** (by Kuempel), A bill to be entitled An Act relating to funding license buyback programs of the Parks and Wildlife Department.

### Amendment No. 1 (Committee Amendment No. 1)

Representative Kuempel offered the following committee amendment to **HB 2470**:

Amend **HB 2470**, As introduced, by striking the last sentence of Section 1 (b) and inserting in lieu there of the following:

The department may actively solicit donations and apply for grants to finance the increase.

Amendment No. 1 was adopted without objection.

**HB 2471** (by Kuempel), A bill to be entitled An Act relating to fees in connection with waterfowl and wetland conservation special license plates.

**HB 2498** (by Luna), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law No. 5 of Nueces County.

**HB 2533** (by B. Brown), A bill to be entitled An Act relating to the creation of Lake View Management and Development District in Henderson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

### Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Lewis, Representative B. Brown offered the following committee amendment to **HB 2533**:

Amend **HB 2533** on page 15 by striking lines 24-27 and substituting the following:

SECTION 19. EMINENT DOMAIN. The district has the power of eminent domain inside the district's boundaries for all public purposes and outside the district's boundaries for the sole purpose of constructing, owning, operating, repairing, and maintaining water supply lines and sanitary sewer service lines. The districts power of eminent domain is exercised in the same manner as required for a county.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

Representative Lewis offered the following committee amendment to **HB 2533**:

Amend **HB 2533**, as follows:

(1) Revise clause (3) of Section 7(a) of the bill to read:

"(3) Chapter 372, Local Government Code, and Chapter 375, Local Government Code; and"

(2) Revise clause (1) of Section 16(a) of the bill to read:

"(1) impose an ad valorem tax, ~~assessment, or impact fee~~ in accordance with the procedures applicable to municipal management districts under Chapter 375, Local Government Code, on all taxable property in the district, including industrial, commercial, and residential property and may impose assessments or impact fees in accordance with the procedures applicable to public improvement districts under Chapter 372, Local Government Code, upon all industrial, commercial, and residential property in the district, to finance and provide improvement projects;"

(3) Add a new subsection (d) to Section 25 of the bill to read:

"(d) Impact fees and assessments shall be imposed and collected in accordance with the procedures applicable to cities, counties, and public improvement districts under Chapter 372, Local Government Code."

(4) Revise subsection (b) of Section 27 of the bill to read:

"(b) Bonds or other obligations that are secured by and payable from ~~assessments or ad valorem taxes, or a combination of assessments and ad valorem taxes,~~ may not be issued unless the bonds and the imposition of the taxes are approved by a majority of the voters of the district voting at an election held for that purpose."

Amendment No. 2 was adopted without objection.

**Amendment No. 3 (Committee Amendment No. 3)**

Representative Lewis offered the following committee amendment to **HB 2533**:

Amend **HB 2533** as follows:

On page 12, lines 1 and 2, strike the words "telecommunications and cable services to residents and businesses in the district,".

Amendment No. 3 was adopted without objection.

**HB 2558** (by Swinford), A bill to be entitled An Act relating to certain reporting requirements and orders relating to commercial fertilizer.

**HB 2561** was withdrawn.

**CSHB 2584** (by Flynn), A bill to be entitled An Act relating to the definition of a financial institution for purposes of law governing savings banks.

Representative Flynn moved to postpone consideration of **CSHB 2584** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2585** (by Flynn), A bill to be entitled An Act relating to an examination requirement for mortgage broker and loan officer license applicants.

Representative Flynn moved to postpone consideration of **CSHB 2585** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2586** (by Flynn), A bill to be entitled An Act relating to obtaining criminal history record information on an applicant for or holder of a mortgage broker or loan officer license.

Representative Flynn moved to postpone consideration of **CSHB 2586** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2587** (by Flynn), A bill to be entitled An Act relating to the effect of a criminal conviction on licensing and regulation of a mortgage broker or loan officer.

Representative Flynn moved to postpone consideration of **CSHB 2587** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHB 2592** (by Lewis), A bill to be entitled An Act relating to the compensation of certain judges who preside over certain proceedings.

**CSHB 2676** (by Hughes), A bill to be entitled An Act relating to the reporting duties of the attorney general.

**HB 2682** (by Denny, et al.), A bill to be entitled An Act relating to the designation of permanent places for certain judicial offices.

**CSHB 2684** (by Denny), A bill to be entitled An Act relating to the timely filing of an application for a place on the ballot for an office of a home-rule city.

**CSHB 2689** (by J. Keffer), A bill to be entitled An Act relating to the practice of law.

**SB 1430** (Gutierrez - House Sponsor), in lieu of **HB 2713**, A bill to be entitled An Act relating to additional interest for default on certain secondary mortgage loans.

Representative Gutierrez moved to lay **HB 2713** on the table subject to call.

The motion prevailed without objection.

**HB 2786** (by Eiland), A bill to be entitled An Act relating to an extension of a strategic partnership agreement between a special purpose district and certain municipalities.

**HB 2804** (by Giddings), A bill to be entitled An Act relating to school district internship programs in which students earn local credit for high school graduation by working with elected government officials.

**HB 2859** (by Wohlgemuth), A bill to be entitled An Act relating to the regulation of obstructions to air navigation.

**HB 2889** was withdrawn.

**CSHB 2892** (by Allen), A bill to be entitled An Act relating to the illegal use of money or property derived from or intended to further certain controlled substance offenses; providing penalties.

**CSHB 2916** (by Ritter), A bill to be entitled An Act relating to establishing equivalent membership service in the Judicial Retirement System Plan Two.

**CSHB 2926** (by Geren), A bill to be entitled An Act relating to the regulation of marine manufacturers, dealers, and distributors.

**CSHB 2941** (by McReynolds), A bill to be entitled An Act relating to the designation of the El Camino East-West Corridor.

**HB 2947** (by Casteel), A bill to be entitled An Act relating to cost control and accountability in the decentralization of state programs and services.

**SB 1580** (Krusee - House Sponsor), in lieu of **HB 2959**, A bill to be entitled An Act relating to bond requirements for privatized maintenance contracts.

Representative Krusee moved to lay **HB 2959** on the table subject to call.

The motion prevailed without objection.

**HB 3039** was withdrawn.

**HB 3041** was withdrawn.

**HB 3044** was withdrawn.

**HB 3124** (by Truitt), A bill to be entitled An Act relating to the powers and duties of the Texas Rehabilitation Commission.

**CSHB 3125** (by Truitt), A bill to be entitled An Act relating to certain programs provided by the Texas Commission for the Blind.

**CSHB 3149** (by Wilson), A bill to be entitled An Act relating to conflicts of interest involving lobbyists.

**HB 3213** was withdrawn.

**CSHB 3366** (by Ritter, Deshotel, and Hamilton), A bill to be entitled An Act relating to licensing and regulation of certain pilots, pilotage rates, and pilot service.

**CSHB 3386** (by Hartnett), A bill to be entitled An Act relating to the adoption of rules by the supreme court relating to the county in which district court proceedings may be conducted.

**HB 3553** (by B. Brown), A bill to be entitled An Act relating to the creation of an additional county court at law in Henderson County.

**HB 3557** (by Hamilton and Deshotel), A bill to be entitled An Act relating to the county courts at law in Orange County.

**HB 3568** (by Solis), A bill to be entitled An Act relating to the jurisdiction of the county courts at law in Cameron County.

Representative Uresti moved to postpone consideration of **HB 3568** until 9 a.m. Friday, May 2.

The motion prevailed without objection.

**CSHCR 73** (by Griggs) Directing the Texas Education Agency and the State Board of Education to adopt and promote a virtues education program.

**HCR 151** (by Chavez) Urging Congress to reinstate funding for the Community Adjustment and Investment Program.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Canales, Representative Chavez offered the following committee amendment to **HCR 151**:

Amend **HCR 151** as follows:

1. On page 1, line 22 strike "300" and substitute "32"; and
2. On page 1, line 23 strike "30" and substitute "40".

Amendment No. 1 was adopted without objection.

**SB 151** (Hunter - House Sponsor), A bill to be entitled An Act relating to the recognition of foreign adoptions and the issuance of a supplementary birth certificate.

**SB 196** was withdrawn.

**SB 209** (Y. Davis - House Sponsor), A bill to be entitled An Act relating to prohibiting a motor vehicle from being equipped with certain video equipment and devices.

**CSSB 347** (Rose - House Sponsor), A bill to be entitled An Act relating to single-member districts for the board of the Barton Springs-Edwards Aquifer Conservation District.

**SB 354** (Goodman - House Sponsor), A bill to be entitled An Act relating to the jurisdiction of certain district courts and criminal district courts of Tarrant County.

**SB 375** (Christian and Deshotel - House Sponsors), A bill to be entitled An Act relating to the location where the Court of Appeals for the Ninth Court of Appeals District transacts business.

**SB 491** (Uresti - House Sponsor), A bill to be entitled An Act relating to an assessment of school-based mental health and substance abuse programs.

**SB 520** (Hartnett - House Sponsor), A bill to be entitled An Act relating to the composition of the 83rd Judicial District and to the election of the district attorney for that district.

**SB 716** (Eiland - House Sponsor), A bill to be entitled An Act relating to causeways, bridges, tunnels, turnpikes, and highways in certain counties bordering the Gulf of Mexico and in adjacent counties.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hamric, Representative Eiland offered the following committee amendment to **SB 716**:

Amend **SB 716** as follows:

(1) Page 2, add subsection (e) to SECTION 3.

(e) 0.2% of the toll revenue shall be shared equally between the Permanent School Fund and the General Land Office. The General Land Office shall use its share for the acquisition of real property in a natural state in the county of the project. The acquired land shall be maintained in a natural state.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Garza, Representative Eiland offered the following committee amendment to **SB 716**:

Amend **SB 716** as follows:

(1) Page 2, Line 6, strike "or"

(2) Page 2, Line 8, Strike "." and insert "; or"

(3) Page 2, Line 9, add new subsection 284.003 (4) as follows:

(4) "construct a bridge over a deep water navigation channel if the bridge does not hinder maritime transportation."

Amendment No. 2 was adopted without objection.

**SB 756** (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to a declaration of a local state of disaster by certain joint airport boards.

**Amendment No. 1**

Representative Harper-Brown offered the following amendment to **SB 756**:

Amend **SB 756** (House Committee Printing) by striking SECTION 4 of the bill and substituting the following:

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

**SB 761** (Berman - House Sponsor), A bill to be entitled An Act relating to the requirement that certain contracts awarded by the Veterans' Land Board be subject to competitive bidding.

**SB 979** (Casteel - House Sponsor), A bill to be entitled An Act relating to the composition of the 274th Judicial District and the jurisdiction of the 207th and 274th district courts.

**HR 912 - ADOPTED  
(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 912**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 912**, Honoring Billy Randell Pewitt on his 50th birthday.

**HR 912** was adopted without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

State Cultural and Recreational Resources, upon first adjournment today, Desk 69, for a formal meeting, to consider pending business.

Judicial Affairs, upon first adjournment today, Desk 70, for a formal meeting, to consider **HB 644**, **HB 3595**, **HB 3603**, and pending business.

Business and Industry, upon first adjournment today, Desk 103, for a formal meeting, to consider pending bills.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judicial Affairs to consider **HB 3572** during the scheduled meeting on Monday, April 28.

The motion prevailed without objection.

**ADJOURNMENT**

Representative Reyna moved that the house adjourn until 11:55 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:34 a.m., adjourned until 11:55 a.m. today.

